

Notice of Allowability

Application No.

09/765,063

Examiner

Baisakhi Roy

Applicant(s)

YAKSH ET AL.

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/4/05.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 17 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/4/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/20/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Black (Reg. 42,331) on 6/20/05. The application has been amended as follows:

In claim 1, line 11, after "a metal object" insert -- adapted to be --

In claim 1, line 18, after "digitized" add, -- to produce a measured spatial displacement of the animal's paw injected with the irritant.--

In claim 3, line 1, after "object" delete "to the animal's paw"

In claim 4, line 1, after "object" delete "to the animal's paw"

In claim 11, line 12, after "produce a" delete "measured response to the irritant." and add -- measured spatial displacement of the animal's paw injected with the irritant.--

In claim 12, line 17, after "produce a" delete "measured response to the irritant." and add -- measured spatial displacement of the animal's paw injected with the irritant.--

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2. The following is an examiner's statement of reasons for allowance: Halek et al. (4,007,420) disclose a system to measure pain response of an animal whose paw has been injected with an irritant but do not teach measuring the spatial displacement of an animal's paw injected with irritant where a metal band is placed on the paw to detect the movement of the band with a localized low strength electromagnetic field. The prior art does not teach an automated flinch-detection apparatus and method for measuring spatial displacement of an animal's paw injected with irritant with said apparatus comprising an electromagnetic detecting assembly having a transmitting oscillator, an electromagnetic transmitter coil coupled to the oscillator, an electromagnetic receiving coil placed in a linear plane directly below the transmitter coil with a first receiving amplifier connected to the receiving coil, an amplitude detector connected to the receiving amplifier, a second amplifier connected to the amplitude detector, a metal object adapted to be attached to the animal paw, and a cylindrical observation chamber placed directly over the receiving/transmitting coil assembly, where the current generated by the transmitting oscillator circulates in the transmitter coil to create an electromagnetic field that penetrates the metal object, creating eddy currents perturbing the electromagnetic field which are picked up by the receiving coil, amplified, detected by the amplitude detector, and further amplified, filtered, and digitized. Therefore, the prior art does not anticipate or render obvious an automated sensing system and method to count the spatial displacement of the injected hind paw.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

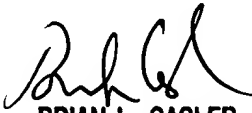
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. R.

BR


BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700